

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED

## COMPLAINT

(for filers who are prisoners without lawyers)

2018 OCT 22 P 12:00

STEPHEN C. DRIES  
CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

Michael Ramon Thomas

Mayweather SR

SPN # 79092 / Doc # 559 657

v.

Case Number:

18-C-1680

(to be supplied by Clerk of Court)

(Full name of defendant(s))

Racine County Jail

Sheriff Christopher Schmaling

### A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at  
(State)

Racine County Jail 717 Wisconsin Ave Racine, WI 53403  
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Racine County Jail - Sheriff Schmaling  
(Name)

is (if a person or private corporation) a citizen of Wisconsin  
(State, if known)

and (if a person) resides at 4 \_\_\_\_\_  
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Racine County Sheriff's Department 730 Wisconsin Ave Racine, WI 53403  
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

## B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

Racine county Jail - Schmalting have violated my rights as an  
inmate for both the county and once I returned as a DOC inmate  
from May 31<sup>st</sup> 2017 til february 2018 then from May <sup>2018</sup> ~~2017~~ present  
and continuing until my release on November 20<sup>th</sup> 2018 while being  
housed at Racine county Jail (RACJ) I have been housed with state inmates  
as a county inmate and county inmates as a state inmate I have been  
denied my rights as a DOC inmate I returned and was moved to the  
segregation unit on 4B unit / 110 cell in day room 2 for 60 days I went  
12 hours a day 8:00 am - 8:00 pm without my sleeping mattress between  
the dates of 6-15-18 and 6-25-18 also during my entire time of incarceration  
at Racine county Jail my 1<sup>st</sup> and 8<sup>th</sup> amendments have been violated

and my DAF policy and procedure rights as a prisoner in the state of Wisconsin as follows: All Department of corrections inmates are subjected to a minimum of 5 hours of outdoor recreation and or the use of weight machines and the use of a track to assure a physical and mental well-being of each individual inmate this is a violation of my 8<sup>th</sup> amendment because Racine county jail provides none of this also under DAF policy to express my religious beliefs and I am allowed to attend all of the same religious services as the Department of corrections has to provide such as spiritual AA and NA, study groups and at a minimum 1 church service per week also by them housing us improperly I am subjected to be housed with other state inmates in a designated unit only made for Department of corrections inmates to assure and provide safety and security of both myself and county jail inmates as well as to assure that none of my DAF and or Constitutional rights are violated due to the Wisconsin 303 also this states that recreation is not in an optional form but is a necessary requirement also this does not include time out of a cell or time in the dayroom that does not have adequate weight machines or to the minimum a pull up and dip station also we are subjected to a hot lunch and dinner Racine county jail serves us bag dinners 2 sandwiches and a cookie with 1 piece of fruit which is also a violation and our diet is less than 3600 calories a day. See yellow legal writing paper for the rest of complaint

So as for the 5 hours a week minimum of recreation, I forget the time setting also on the date of September 28<sup>th</sup> 2018 between 7:00 am - 7:50 am I was woken up for breakfast and head count I attempted to get off the top bunk in cell 5 on 4B and fell off injuring my left knee and my right forearm I had both bruising as swelling C/O RM 9463 called the nurse and I filled out a medical slip they came to see me on October 5<sup>th</sup> I believe I also wrote a 893.82 Notice of Injury and Complaint about this also we need proper bathrooms the ~~rooms~~ clos will lock us down due to CT. friends orders if we cover ourselves from being exposed in nudity when we use the bathroom also the bunks in which we sleep in do not have proper structures or materials to aid in climbing up or down nor do they have something to aid in fall prevention on the sides also on the dates that I was in the hole I was fasting and I chose to do so for 14 days which is allowed for my religious beliefs I had also notified the Chaplain Anthony Balesteri about it because I had done a 21 day fast about a year prior from August 1<sup>st</sup> to August 22<sup>nd</sup> while in seg I was on day 4 and the nurse came to check on me and ask why I fasted or chose to fast and took my weight I was 214 lbs and my vitals I was cleared and healthy in the middle of the night between 12am - 3am they came to get me for "Medical Reasons" and told me I'm to be held in intake until I stopped my fast which is breaking the 1<sup>st</sup> amendment of freedom of speech and religion I also notified the chaplain of this also while being housed at (RAJC) we are not allowed pay rates that POC contain charges but an amount about 4 times that at county rates and we are unable to order 1 care packages or out of the catalogs but county inmates can order the 1 care packages and tablet premiums also when we apply for 75%-85% they send it to the same judge and District attorney office that sentenced us or we almost always get denied that is an injustice that's like having an appeal in the same manner →

and sets us up for failure the same prosecution whom sentenced us is the same to review and then ultimately deny our release even like in my case for a simple bail jumping I was denied that's an injustice

C. JURISDICTION

☒ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☐ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$\_\_\_\_\_.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I would like money in the amount ~~of~~ of \$250,000.00  
as well as the correction of how the establishment is run and  
for the federal government to make sure it happens as well as  
the state makes to receive state centers and the ability to use  
the restroom behind a door like a bathroom stall not in the open  
and un protected and exposed to violations of the prea Act as well  
as I want 75%-85% petitions to be handled and denied  
or approved by an entirely different district or court that's  
not your county court officials

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 11 day of October 20 18.

Respectfully Submitted,

  
\_\_\_\_\_  
Signature of Plaintiff

<sup>Doc</sup> # 559657 - SPN# 79092  
\_\_\_\_\_  
Plaintiff's Prisoner ID Number

1168 Albert St Racine, WI 53404  
\_\_\_\_\_

\_\_\_\_\_  
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE**

☒ I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.